

## REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

The Examiner has rejected claims 12-16, 22-23 and 25 as being obvious over Shennib in view of French. Briefly, claim 12 recites a base, an azimuth locating mechanism supported by the base, and a distance indicator. According to the Examiner, the first two elements are disclosed by Shennib and the last element is disclosed by French. The Applicants respectfully traverse these rejections.

Shennib discloses a system of testing the hearing of a person. The testing takes place in a special room with a plurality of speakers positioned at critical locations around a person seating on a chair (see Figs. 5 and 6). Arms are provided on the chair which enter the canals of a person being tested. Importantly, there is no mention in the application about how the speakers are actually placed in the positions shown in the Figure. Therefore despite the Examiner's assertions, the reference fails to disclose an azimuth locating device at all. French is cited for teaching a distance measuring device. However, it also fails to disclose or suggest an azimuth measuring device and hence, the combination fails.

Regarding claims 13 and 14, the Examiner takes the position that pointers are disclosed by Shennib. The Applicants disagree. The purpose of the device described by claims 12-14 is to align speakers in the first place. In Figs. 5-8 of Shennib, the inventor describes the positions of various speakers and how these positions affect the sounds perceived by a listener. However, the reference does not explain how these speakers were initially placed.

The term "azimuth" is defined in dictionaries as :

### **DESCRIPTION OF THE CORRECTIONS TO THE DRAWINGS**

Fig. 1 labeled PRIOR ART.

Figs. 2-6 the numeral 10 was added as requested. (The Applicants believe that the Examiner's request to add the numeral 10 to Fig. 1 is erroneous. Numeral 10 refers to the inventive device for marking the location of the speakers. No such device is shown in Fig. 1, and, moreover, the Examiner has requested that Fig. 1 be labeled "Prior Art" and hence it cannot include the inventive device.)

*1. The horizontal angular distance from a reference direction, usually the northern point of the horizon, to the point where a vertical circle through a celestial body intersects the horizon, usually measured clockwise. Sometimes the southern point is used as the reference direction, and the measurement is made clockwise through 360°.*

*2. The horizontal angle of the observer's bearing in surveying, measured clockwise from a referent direction, as from the north, or from a referent celestial body, usually Polaris.*

In other words, generally, an azimuth measuring device measures an angle with respect to a reference point.

Regarding claims 15, 16, the Examiner takes the position that French discloses a table with pointers 102, 114. The Applicants disagree. First, as discussed above, Shennib fails to disclose an azimuth measuring device and therefore there is nothing in Shennib to modify by providing pointers. Second, French discloses a device for measuring vertical angles and cannot provide any azimuth measurements. Third, even if Shennib and French were to disclose the other elements, they still do not disclose any pointers as described in claims 15 and 16. In French elements 103, 114 are mirrors.

Claims 17-21 recite that the azimuth measuring device includes a second beam generator. Shennib and French fail to disclose even one beam generator. The Examiner takes the position that a second beam generator is disclosed by Kordana. This latter reference discloses a transit for establishing a 90 degree angle using a beam generator. Nothing in this reference teaches the use of two beams to positions speakers at predetermined angles. Nothing in this reference teaches how to modify either Shennib (which provides no means of measuring any angles or distances) or French (which measures heights) to incorporated two

beams. In any event, combining these three references does not lead to the inventions defined by claims 17-21.

Claim 22 mentions the use of an acoustic device for distance measurement. The Examiner relies on Shennib and French to reject this claim, even though the Examiner has already admitted that there is nothing in Shennib that mentions distance measuring and French is also silent on acoustic devices.

Claim 23 is similar to claim 22 except that it mentions a radar distance measuring element. Shennib and French are equally ineffective against this reference.

Claim 24 recites a lock securing the azimuth measuring device in a predetermined position with respect to the base. The Examiner's rejection on basis of Kordana is ineffective for the reasons recited above.

The Examiner has rejected claim 25 as being obvious over Shennib in view of French. The Applicants disagree. Claim 25 recites a method of placing a speaker at a predetermined distance using two beams. Shennib uses an IR beam to determine whether a listener's head is in the proper position. There is nothing in Shennib to suggest using two beams for placing a speaker at a predetermined location. French is relied on as disclosing means for rotating a beam. However, as discussed above, there are no beams generated by the French device.

The Examiner has rejected claims 26-30 as being obvious over Shennib in view of Kordana. The Applicants disagree. Claim 26 recites a method of positioning speakers using spots projected on the speakers. There is nothing in Shennib suggesting projecting spots anywhere, especially on speakers. Again, the Examiner takes the position that Shennib discloses generating one beam and relies on Kordana as disclosing the generation of two beams. As discussed above, there are no beams or spots generated for locating the positions of speakers in Shennib. Moreover, even though Kordana discloses the generation of two beams, these beams are directed in different directions and do not form spots.

The Examiner has rejected claims 42-52 as being obvious over Shennib in view of Kordana on the same basis as the previous claims. The Applicants traverse these rejections as discussed above.

It is respectfully submitted that the subject application is in condition for allowance.

Respectfully submitted,

GOTTLIEB RACKMAN & REISMAN PC

Attorneys for Applicant

270 Madison Avenue

New York, New York 10016-0601

Telephone: (212) 684-3900

Telefax: (212) 684-3999

By: 

WEISZ, Tiberiu

Reg. No. 29,876

Dated: July 18, 2005  
New York

TW:eg  
Encl – Six (6) sheets of drawings